

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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E-mail: [geology@dca.ca.gov](mailto:geology@dca.ca.gov)Website: [www.geology.ca.gov](http://www.geology.ca.gov)**MINUTES OF THE MEETING OF THE  
BOARD FOR GEOLOGIST AND GEOPHYSICISTS AND EXAMINATION COMMITTEE****January 20, 2006****2535 Capitol Oaks Drive  
Sacramento, CA 95833****1. CALL MEETING TO ORDER**

Robert A. Matthews, Vice President, called the meeting to order at approximately 9:00 a.m.

**2. INTRODUCTION OF NEW BOARD MEMBER CECILIA L. YU**

Dr. Matthews introduced Cecilia Yu, the newest Board Member. Ms. Yu discussed statements made in the press release announcing her appointment and clarified that she had previously been a licensed Professional Engineer, however, does not hold a current license.

**3. ROLL CALL TO ESTABLISH QUORUM**

Craig Copelan, President (unable to attend)  
Robert A. Matthews, Ph.D., Vice President  
William E. Black  
Jeffrey Schmidt  
Cecilia L. Yu

**Exam Committee Roll Call:**

Thomas F. Barry  
William E. Black (ex-officio)  
Laura Cathcart-Dodge (unable to attend)  
Mark Johnsson  
Thomas Kelty, Ph.D.  
Jeffrey Schmidt (ex-officio)  
Thomas Spittler  
Rebecca Sterbentz

**Others in Attendance:**

Paul Sweeney, Executive Officer  
George Dunfield, Enforcement Manager  
Mike Luksic, Engineering Geologist  
Pam Hopper, Examination Coordinator

*The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California*

Christine Doering, Staff Services Analyst  
Don Chang, Supervising Legal Counsel, Department of Consumer Affairs  
Bill Young, Budget Officer, Department of Consumer Affairs  
Anthony Lum, Budget Analyst, Department of Consumer Affairs  
Tony Sawyer, Technical Advisory Committee, Chair  
Rick Rempel, Rempel Consulting Inc.  
Charles Nestle, Association of Engineering Geologists (AEG) – Southern California  
Joe Cota, Association of Engineering Geologists (AEG) – Southern California  
Marcia Kiese, Association of Engineering Geologists (AEG) – Sacramento  
Eric Huff, Board of Forestry and Fire Resources  
Mary Scruggs, Department of Water Resources

#### **4. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Bill Young, Budget Officer for the Department of Consumer Affairs provided an overview of the budget situation for the current fiscal year 2005/2006 and the proposed budget for fiscal year 2006/2007. Mr. Young distributed a summary document regarding status of fund.

He reported that approximately half way through fiscal year the Board is right on mark for expenditures. Mr. Young further stated that the Board is projected to make it through the year solvent. The Board still has about seven (7) months of reserve which is “prudent but not excessive”, according to Mr. Young.

During Mr. Young’s overview of the Governor’s 2006/2007 proposed budget he stated that Board will receive a significant boost to the total budget increasing to approximately 1.2 million (22% increase from 2005/2006 fiscal year). Mr. Young commented that this budget increase was the “road back to restoration” and now that the renewal fees have been amended it would be a critical year to start to restore critical services. Per Mr. Sweeney, enforcement fines have also helped to improve the fiscal situation. Effective April 1, 2006, the new renewal fees will be reflected on licensee renewal statements.

Rick Rempel, Rempel Consulting, commented that he “encourages the board to show leadership and make decisions based on what is best for consumers and the public”. He cited Gov. Code Section 11120 which discusses the Bagley-Keene Open Meeting Act. Mr. Rempel asked Mr. Chang what constitutes legal notice for a meeting. Mr. Chang responded outlining the mailing and internet posting requirements that must be met. There was discussion as to whether or not the Board had met such requirements for the current meeting. Mr. Chang stated that it did appear based on the information presented that the Board had complied with the open meeting requirements.

Charles Nestle, Association of Engineering Geologists, Southern California Section, raised concerns regarding how the CSE focus group set up and run. He questioned the composition, appropriateness, potential bias and validity of the focus group and their recommendations. He stated that he believed the focus group served as an ad hoc Technical Advisory Committee (TAC) which should have been subject to the Bagley Keene Open Meeting notice requirements. Mr. Nestle further recommended

that the Board rescind their decision to eliminate the CSE subject to review of the methodology and processes leading up to the decision.

Joe Cota, Association of Engineering Geologists, Southern California Section, commented on the minutes of previous meetings stating that AEG's opinion as to the validity of the test was not accurately represented. He stated that a handbook should precede test, not replace it. Mr. Cota pointed out that on May 6, 2005 Roy Shlemon of the Technical Advisory Committee (TAC) asked the Board if they wished to evaluate the California Specific Exam (CSE), however, the discussion was not included in the meeting minutes. He further stated that the Board never asked the TAC to review. Mr. Cota criticized the Executive Officer's handling of the Board minutes, record keeping, and CSE process.

Dr. Matthews expressed concern regarding omissions on past minutes and stated that he believes that the Board should go back and make some corrections on previous documents. Mr. Sweeney Advised that staff can go back and review prior tapes and make revisions to minutes if needed.

Mr. Rempel and Mr. Cota expressed further concerns regarding possible bias having been introduced to the CSE process. Per Mr. Rempel, there did not appear to be an equal representation of the opinions of both sides regarding prior elimination discussion reflected in meeting minutes. Mr. Black stated that moving to digital minutes and recordings online would help. Mr. Cota asked the Board to reevaluate the CSE focus group study.

Mr. Sweeney stated that the focus group, with the assistance of the Office of Examination Resources (OER) and the Board, was conducted in the most unbiased manner possible. He further stated that every comment received was distributed to all board members and all focus group participants. Mr. Sweeney explained the concept of the Candidate Handbook (which is the result of a unanimous decision by the focus group). This would include a notarized statement that would be signed and submitted to the Board, and placed on file prior to license processing. The documentation for the bill proposal has been sent to the Business and Professions Committee. However, there is still room for public to comment on this legislation. Additionally, Mr. Sweeney advised that there are two workshops coming in March whose participants are charged with creating the Candidate's Handbook. Mr. Sweeney welcomed the audience members to apply for consideration for selection by the Board for the Candidate Handbook workshops.

## **5. APPROVAL OF THE MINUTES OF THE JOINT BOARD AND TECHNICAL ADVISORY COMMITTEE MEETING OF DECEMBER 2, 2005**

Mr. Sawyer, Chair of the Technical Advisory Committee (TAC), recommended that the approval of the TAC portion of the minutes be deferred until the next TAC meeting on February 3, 2006. Board member Black moved to defer approval of the minutes to the February 17, 2006 Board Meeting. Mr. Schmidt seconded. The motion passed unanimously.

Mr. Sawyer addressed the Board prior to closed session regarding the performance

of the Executive Officer (EO). He alleged that the EO changes and cancels meetings in order to limit effectiveness, agendas are loaded with distractions from critical issues, and that meeting minutes are not prepared timely or accurately. He further alleged that the EO is hostile and antagonistic, difficult to get a reliable answer from, hand selects committee members, and that the sequence of agenda items is self-serving. Mr. Sawyer alleged that the EO has consistently failed to perform the duties required, has not represented the Board well to the public or Legislature and that the goal of the EO does not appear to be protection of the health and safety of the public. Mr. Sawyer criticized the selection of CSE focus group candidates, and the open meeting notice posting on the Board's website. Mr. Sawyer urged the Board to fulfill their mandated oversight duties and replace the Executive Officer.

**6. CLOSED SESSION: EXECUTIVE OFFICER PERFORMANCE APPRAISAL  
[Pursuant to Government Code § 11126(a)]**

Mr. Chang stated that the session was for the evaluation of the performance of the Executive Officer. He asked Mr. Sweeney if he would like to have conducted in open or closed session. Mr. Sweeney opted for closed session.

The Board closed the Open Meeting and went into closed session.

**7. REPORT ON RESULTS OF CLOSED SESSION**

The Board discussed the performance of the Executive Officer and decided to continue evaluation. It was determined that a committee consisting of the Chair and VP would be formed and interviews (by way of verbal, written, and electronic means) conducted with former and existing staff members, and other individuals suggested by the Board to obtain further information. The evaluation by the committee is to be completed prior to the February 17, 2006, Board Meeting so the matter can be discussed during closed session.

**8. EXAMINATION COMMITTEE OF THE BOARD, AS NOTED IN THE ROLE CALL, ESTABLISHED A QUORUM**

Ms. Sterbentz made a motion to approve the minutes of the Examination Committee Meeting of November 4, 2005. Mr. Barry seconded. The motion passed unanimously. Mr. Sweeney distributed a tally of the number of examinees currently scheduled for the March 3, 2006 Examinations.

**CLOSED SESSION (EXAMINATION COMMITTEE)**

**9. REVIEW OF THE SPRING 2006 PROFESSIONAL GEOLOGIST CALIFORNIA-SPECIFIC, PROFESSIONAL GEOPHYSICIST, CERTIFIED ENGINEERING GEOLOGIST AND CERTIFIED HYDROGEOLOGIST EXAMINATIONS  
(Authorized by section 11126(c)(1) of the Government Code)**

The Examination Committee moved into closed session to discuss agenda item #9

in closed session.

**10. ITEM WRITING FOR PROFESSIONAL GEOLOGIST CALIFORNIA-SPECIFIC, PROFESSIONAL GEOPHYSICIST, CERTIFIED ENGINEERING GEOLOGIST AND CERTIFIED HYDROGEOLOGIST EXAMINATION BANKS**

The Examination Committee discussed agenda item #10 in closed session.

**11. REPORT ON RESULTS OF CLOSED SESSION**

The open meeting resumed. The Executive Officer reported that the Examination Committee reported worked on all four examinations for Spring 2006 (Professional Geologist California Specific, Professional Geophysicist, Certified Engineering Geologist and Certified Hydrogeologist).

**12. ESTABLISH AGENDA AND HOMEWORK ASSIGNMENTS FOR NEXT COMMITTEE MEETING**

No future meeting dates were set by the committee at this time as the exams will be administered on March 3, 2006.

**13. ADJOURNMENT**

The meeting was adjourned at 2:48pm.

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**CRAIG A. COPELAN, P.E., BOARD PRESIDENT**

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**PAUL SWEENEY, BOARD EXECUTIVE OFFICER**

**Date Approved: February 17, 2006**